

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37075 of 2018

Arising Out of PS.Case No. -248 Year- 2016 Thana -MAHARAJGANJ District- SIWAN

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Rakesh Prasad @ Rakesh Kumar Prasad S/o Goga Bhagat , R/o Vill.-
Chainpur, P.S.- Goreakothi, District- Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raju Prasad

For the Opposite Party/s : Mr. Sri Nityanand Tiwary

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 12-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Maharajganj
P.S. Case No. 248 of 2016 for offences punishable under Sections
363, 365 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that his 14 year old sister Ranu Kumari had gone to study in the
school but did not return and he got a mobile call from unknown
boy asking ransom for returning his sister. She was seen along
with neighbour Poonam Kumari and Salama Khatoon.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the F.I.R. and has been



falsely implicated in the aforesaid case. He submits that even the victim girl in her statement under Section 164 Cr. P.C. has not made any allegation against the petitioner, no overt act has been committed and it is just that the petitioner was along with said co-accused Poonam Kumari who has been granted the privilege of pre-arrest bail by a coordinate Bench of this Court in Cr. Misc. No. 8157 of 2018 vide order dated 02.04.2018, he has been made accused. He submits that the victim girl herself stated that she went with the co-accused Poonam Kumari who left her to another lady and thereafter the victim girl went to her elder brother's place at Howrah. He submits that the telephone number from which such calls were made did not belong to him and the petitioner has surrendered on 28.04.2018 and since then he is in custody.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-Vth, Siwan in connection with Maharajganj P.S. Case No. 248 of 2016, subject to the conditions that one of the bailors would be a close relative of the



petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

Devendra/-

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